

### **REMARKS/ARGUMENTS**

These remarks are submitted responsive to the office action dated November 28, 2006 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies or credit any over-payments to Deposit Account No. 50-0951.

Claims 1-2, 4-8, 10-15, 17-26, 28-32, 34-39, and 41-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,539,232 to Hendrey, *et al.* (hereinafter Hendrey), in view of non-patent literature "Personal Area Networks: Near-field Intrabody Communication," IBM Systems Journal (1996), Zimmerman (hereinafter Zimmerman). Claims 3 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrey.

### **Amendments to the Claims**

As of this amendment, claims 1, 10, 20, 25, 34, 44 have been amended to further emphasize that in the first receiving step, the second portable computing device directly communicates with the first computing device via a wireless communication, including an infrared communication or a radio frequency communication, to exchange identity information and/or contact lists. Explicit support for such an amendment can be found throughout the Specification (e.g., page 7, lines 20-24 and page 8, line 24 through page 9, line 7.). Claims 1, 10, 25, and 34 have also been amended to include the further limitation that the non-local communication occurs via a cellular communication link or a satellite communication link. Explicit support for such an amendment can be found throughout in the Specification (e.g., page 6, line 29 through page 7, line 2.).

Furthermore, as of this amendment, claims 7, 8, 14, 15, 17-19, 23, 24, 31, 32, 38, 39, 41-43, 47, and 48 have been cancelled.

### *Aspects Of The Claimed Invention*

Prior to discussing the cited references, it may be useful to reiterate certain aspects of Applicants' claimed invention. One embodiment of the claimed invention, as typified in claim 1 can include a first portable computing device (PCD) associated with a first user receiving a wireless communication directly from a second PCD associated with a second user via an infrared (IR) transmission or radio frequency (RF). The RF and IR transmission, more particularly, can include user identity information associated with the second user. (See, e.g., Specification, page 7, lines 19-24)

After receiving identity information from the second PCD, the first PCD can transmit user identity information associated with the first and second user to a central receiving station over a cellular or satellite communications link. The central receiving station can then retrieve for each identified user a stored contact list and compare the retrieved contact lists to determine whether at least one contact is common between the contact lists of the first and second users. If at least one common contact is found by the central receiving station, the central receiving station can transmit via a cellular or satellite communication link to the first PCD an identity of the second user having a common contact with the first user. (See, e.g., Specification, page 9, line 8 – page 10, line 4).

In a second embodiment of the claimed invention, as typified by claim 20, the wireless transmission sent from the second PCD further includes a contact list for the second user. The first PCD can then compare the received contact list with a contact list stored within the PCD to determine whether at least one contact is common between contact lists stored in the first and second PCDs. If at least one common contact is found,

the first PCD can notify the first user of the identify of the second user having a common contact, or, concurrently or alternatively, transmit a wireless communication to the second PCD to notify the second user of the identity of the first user having a common contact. (See, e.g., Specification, page 3, lines 8-20).

**The Claims Define Over the Cited Art**

As previously stated, in the Office Action independent claims 1, 10, 20, 25, 34, and 44 were each rejected as being unpatentable under Hendrey in view of Zimmerman. Hendrey discloses a method and system for connecting proximately located telecommunications units operating in a location-aware telecommunications system. Zimmerman discloses systems for communicating information using near-field communication. In view of the cited art, Applicants respectfully disagree and further assert that Hendrey and Zimmerman, separately or in combination, fail to disclose, suggest, or render obvious each and every element of the claimed invention.

First, with regards to claims 1, 10, 20, 25, 34, and 44, Hendrey fails to disclose the step of receiving at a first PCD a local communication directly from a second PCD. Hendrey discloses a system and method for telecommunications units (TU) to connect. In Hendrey, any connection occurs through the telecommunication infrastructure (120), *not directly between the first and second TUs*, as illustrated in FIG. 1 below:

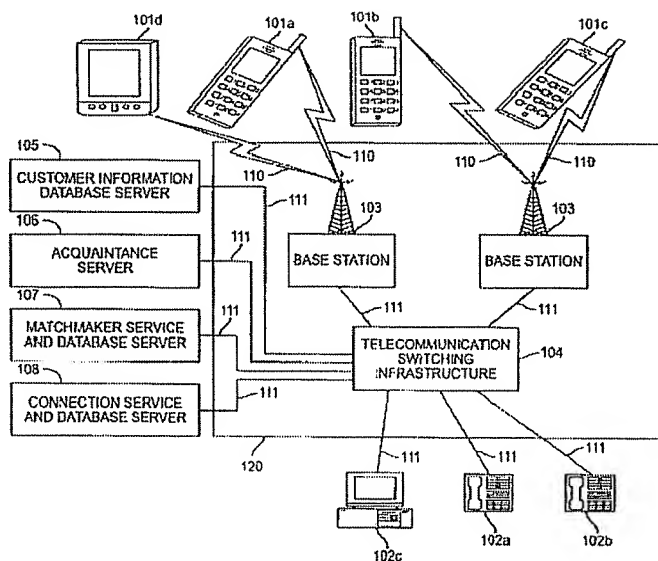


FIG. 1

As shown in FIG. 1 above and elsewhere in Hendrey, the TUs disclosed in Hendrey are only configured to have a communication link (110) with the infrastructure. Therefore, any transaction between a first and second TU in the system of Hendrey is initiated and carried out by the infrastructure (120). (See, e.g., Col. 6, lines 27-65). Consequently, in order to transfer any information, such as identity information as recited in the claims 1, 10, 20, 25, 34, and 44, the system disclosed by Hendrey necessarily requires that a second TU transmit the identity information to the infrastructure (120). The infrastructure (120) would then transmit the information to the first TU. Similarly for claims 20 and 44, transmission of a contact list or notifications in Hendrey cannot occur directly between the first and second TU, but would still have to be performed through the infrastructure. Such transactions would always require the infrastructure for this type of data transfer, *even if the first and second TU are in the same location*. In contrast, the claimed invention allows local communications between PCDs in the same location without the need of the infrastructure. Such a configuration allows PCDs in a localized area to

directly send and receive identifying information without the need to access an infrastructure to determine the identity of another user in a localized area.

Second, with regards to claims 20 and 44, Hendrey fails to disclose or suggest the comparison of contact information locally within PCDs. Hendrey discloses that any comparison of information is performed within one or more remote servers or databases (105-108) connected to the infrastructure. Furthermore, Hendrey does not disclose or suggest that the remote servers or databases (105-108) can be incorporated into one or more TUs, but only into the infrastructure. (See, e.g., Col. 5, lines 36-52). In contrast, claims 20 and 44 recite that the comparison of contact lists and the generation and transmission of one or more messages between a first and a second PCD can occur locally, without having to access a remote server or the infrastructure. Such a configuration allows PCDs in a localized area to not only send and receive information without the need for an infrastructure as previously discussed, but also allows PCDs to be used without the need to provide a central receiving station to process contact lists and transmit results to one or more PCDs.

Zimmerman is only cited against independent Claims 1, 10, 20, 25, 34, and 44 for teaching that sharing contact information. (See Office Action, p. 3.) Nowhere, however, does Zimmerman teach or suggest the features of Applicants' invention lacking in Hendrey.

Accordingly, the combination of Hendrey in view of Zimmerman fails to teach or suggest every feature recited in independent Claims 1, 10, 20, 25, 34, and 44, as amended. Applicants respectfully assert that each of the independent claims, as amended, defines over the prior art. Applicants further respectfully assert that whereas the remaining dependent claims each depend from one of the amended independent claims while reciting additional features, each of the dependent claims likewise defines over the prior art.

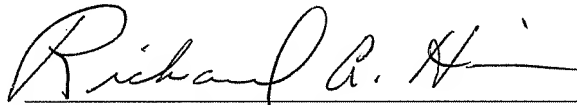
U.S. Patent Appln. No. 09/933,284  
Amendment Dated February 28, 2007  
Reply to Office Action of November 30, 2006  
Docket No. BOC9-2001-0004 (239)

**CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: **February 28, 2007**

A handwritten signature in cursive script, appearing to read "Richard A. Hinson", written over a horizontal line.

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